The motion was adopted.

Mr. SPEAKER.—Clauses 2 to 11, both inclusive. The question is:

"That Clauses 2 to 11, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 11, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

The Hon'ble Sri K. T. BHASHYAM.—Sir, I move:

"That the Mysore Suits Valuation Bill, 1951, as reported by the Select Committee, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Suits Valuation Bill, 1951, as reported by the Select Committee, be passed."

The motion was adopted.

The Cattle Trespass (Amendment) Bill 1951.

Motion to consider.

The Hon'ble Sri T. MARIAPPA (Home Minister).—Sir, I move:

"That the Cattle Trespass (Amendment) Bill, 1951, as reported by the Select Committee, be taken into consideration."

The Select Committee have gone into this Amendment Bill and are satisfied that it does not require any change because the notification prescribing the fees should be laid before the Assembly and if any member so chooses to move an amendment to amend the scale of fees, the amended scale of fees would come into force after the publication of the fresh notification in the Gazette. This is the only suggestion which the Select Committee has made and with this, I commend the report of the Select Committee for the acceptance of the House.

Mr. SPEAKER.—Motion moved:

"That the Cattle Trespass (Amendment) Bill, 1951, as reported by the Select Committee, be taken into consideration."

***Mushir-ul-Mulk J. MOHAMED IMAM** (Chitaldrug *cum* Tumkur—Muslim).—The recommendation of the Select Committee has not solved the doubt that arose and was expressed in this House when the Bill was taken up for consideration. When the Bill was taken up for consideration it was pointed out that this Bill aimed at depriving the local municipal councils and municipalities of their powers because till now.....

The Hon'ble Sri T. MARIAPPA.—May I interrupt for a minute? That was answered on the last occasion and I believed that the doubts had been dispelled.

Janab J. MOHAMED IMAM.—I am not sure if the doubts were dispelled. I myself expressed that doubt. Till now the cattle pounds were under the management of local bodies. The cattle pounds were situated in the municipal area. The management of the cattle pound was vested in the local municipal council. If it was located in a Panchayet area, I think the Panchayet was managing it. Whatever incomes were accruing from cattle pounds, I think, were credited to the funds of the respective local bodies. Now it is said that the Government have taken power to levy the fee on the cattle that will be impounded; so that discretion which was vested till now in the municipality has been taken away.

Mr. SPEAKER.—It is so even according to the existing law.

The Hon'ble Sri T. MARIAPPA.—Section 31 of the Act has made it very clear. It is as follows:

"The Government of Mysore may, from time to time, by notification in the official Gazette—

(*a*) transfer to any local authority, within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the Government of Mysore or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority,....."

I believe my Hon'ble friend Sri A. Bheemappa Naik raised this question and Section 31 is an answer to that question. And therefore this question need not be raised at this juncture because Section 31 has made it very clear that all the sections which apply to the Local Bodies will continue to apply. That has been already considered and the notifications have already been issued, and the power now vests in the Local Bodies. Now we take the power to change the rates mentioned in the Act. Therefore notification issued is with regard to the fees only. In fact this is with a view to help the local bodies so that they can levy higher rates for impounding cattle and all the income will go to the local bodies, either Municipal Councils or Village Panchayets.

Janab J. MOHAMED IMAM.—Sir, I think it would have been prudent and doubts would have been set at rest if that provision had been made in the Act itself. Now the Act simply says that all fines so levied shall be sent to the Magistrate. What happens afterwards ? Nothing is mentioned about this in the Act itself. So I would suggest that the proposal to hand over the incomes to the local bodies, may find a place in the Act itself.

Mr. SPEAKER.—There is already the notification.

Janab J. MOHAMED IMAM.—The Act always over-rides the Rule. The rule is only an off-shoot of the Act. So though they say that all fines should be sent to the Magistrate, after sending it to the Magistrate, which is the agency that would allot it to the Municipality ? There will be some difficulty in the practical working also. In a District all the fines will be sent or everybody will be requested to send the collection to the respective Magistrates. Now what is the procedure to be adopted by the Magistrate ? Nothing is stated therein. How should he behave ? So what he does is, he will simply credit the money to the Government funds. Further disposal has not been suggested in any way in the Act. These rules are liable to be changed at any time. A notification or a rule may be changed at any time. So unless provision is made in the Act itself there is no gaurantee that the Municipality will get their incomes to which they are entitled.

Secondly, regarding the rates to be fixed it would have been very equitable and necessary if the discretion is vested with the Municipalities themselves because they are the best judges. Government may pass certain omnibus measure which will apply for the whole State. But what the rate should be in a it locality is a matter that should be settled by the concerned local body. So, that discretion is not vested in the local bodies. I think there is no provision even to consult local bodies. So I think some provision must be made that before levying or changing the rate of fees, it is necessary to consult the local bodies also.

The last provision they have made is, they have given that power to this august Assembly. I think this is too small a measure which this august body should be bothered with.

It is very amusing when he says that after the Government issues Notification any member may bring a resolution before this House to alter that levy and if it is not in sitting just then, at the next sitting of the House. I think that such a measure will not be of any use. The bodies to be consulted are the local bodies which are immediately affected by such a measure. We know what the result would be if supposing a member brings such a resolution before this House. The members now being bound by party discipline, etc., even though they might be having their own convictions, they will be guided by party mandate. This is too small a measure to be brought before this House. I would suggest that before levying a fee in any particular area, the local body in that area must be consulted.

Another last suggestion is this. The Cattle Tresspass Act is a very old measure and a very ancient one. It first came into law in 1871. So it is 80 years old.

Sri K. PUTTASWAMY.—Nevertheless, it has stood the test of time.

Janab J. MOHAMED IMAM.—Then why so many legislations now ? So it

(JANAB J. MOHAMED IMAM).

is quite necessary that the whole matter is reviewed. And in the meanwhile there are a number of Notifications issued and a number of Rules framed and there is a lot of confusion. Now, the Government think that they are the owners of all the cattle pounds and the local bodies think that they are the owners. It is therefore quite necessary to re-examine the whole position and bring in a fresh measure after consulting the local bodies, instead of bringing in such a piecemeal legislation the significance of which I nor any member of this House cannot understand.

ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡರು (ತುಮಕೂರು ಜಿಲ್ಲೆ).—ಇಲ್ಲಿಯವರೆಗೆ ಇದ್ದ ಪದ್ಧತಿ ಪ್ರಕಾರ ಅಲ್ಲಲ್ಲಿ ಉತ್ಪತ್ತಿ ಆದುದು ಆಯಾಯ ಪಂಚಾಯಿತಿಗೆ ಸೇರುತ್ತಿತ್ತು. ಈಗ ಅದನ್ನು ಆಯಾ ಡಿಸ್ಟ್ರಿಕ್ಟಿನ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಕಳುಹಿಸಬೇಕಾದ್ದು ಹೊಸ ಪದ್ಧತಿ.

ಅಧ್ಯಕ್ಷರು.—ಹೊಸ ಪದ್ಧತಿ ಯಾವುದೂ ಇಲ್ಲ. ಹಿಂದೆ ಇದ್ದಂತೆಯೇ ಇರುತ್ತದೆ ಎಂದು ಈಗ ಕೂಡ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಓದಿ ಹೇಳಿದ್ದಾರೆ.

ಮಾನ್ಯ ಶ್ರೀ ಟಿ. ಮರಿಯಪ್ಪನವರು.—12ನೆಯ ಸೆಕ್ಷನ್ನಲ್ಲೂ ಕೂಡ ಏನೂ ಬದಲಾವಣೆ ಮಾಡಿಲ್ಲ.

ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡರು.—ಪ್ರತಿಯೊಂದು ಸಾರಿಯೂ ಪ್ರತಿಯೊಂದು ಊರಿನಲ್ಲೂ ನೋಟಿಫಿಕೇಷ್ ಹೊರಡಿಸುವುದಕ್ಕೆ ಬದಲಾಗಿ ಮ್ಯಾಗ್ಜಿಮಂ ಮತ್ತು ಮಿನಿಮಂ ದರವನ್ನು ಸೂಚಿಸಿ ಆಕ್ಟಿನಲ್ಲೇ ಅವಕಾಶ ಮಾಡಿದರೆ ಆಯಾಯ ಪಂಚಾಯಿತಿಯವರು ಆ ಲಿಮಿಟ್ ಒಳಗೇ ಜುಲ್ಮಾನೆ ಹಾಕಿ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಅಧಿಕಾರ ಸಿಕ್ಕುವಂತೆ ಮಾಡಿದರೆ ಚೆನ್ನಾಗಿರುತ್ತದೆ. ಇದರಿಂದ ತುಂಬಾ ಅನಾನುಕೂಲ. ಈಗ ತಂದಿರುವ ಕಾನೂನಿನಲ್ಲಿ ಹೇಳಿರುವುದು ಸರಿಯಾಗಿ ಕಾಣುವುದಿಲ್ಲ. ನೋಟಿಫಿಕೇಷನ್ನಲ್ಲಿ ನಮೂದಿಸಿರುವ ದರದ ಪ್ರಕಾರ ಪೌಂಡನ್ನಿಟ್ಟಿರುವವನು ಜುಲ್ಮಾನೆ ಹಾಕುತ್ತಾನೆ. ಅದನ್ನು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ವಿಧಿಸುವುದಿಲ್ಲ. ಹಾಗೆ ಪೌಂಡನ್ನಿಟ್ಟಿರುವವನು ವಸೂಲು ಮಾಡಿದ ಜುಲ್ಮಾನೆ ಹಣವನ್ನು ಪುನಃ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಏಕೆ ಕಳುಹಿಸಬೇಕೆಂಬುದು ವಿಶದವಾಗಿ ಹೇಳಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ವಿಚಾರದಲ್ಲಿ ಸುಲಭ ರೀತಿಯಲ್ಲಿ ಕಾರ್ಯ ನಡೆಯುವಂತೆ ಮಾರ್ಪಡಿಸಬೇಕಾದ್ದು ನ್ಯಾಯವೆಂದು ತಿಳಿಸಿ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ವಿರೋಧಿಸುತ್ತೇನೆ.

ಶ್ರೀ ಎಸ್. ರಂಗರಾಮಯ್ಯನವರು (ಮೈಸೂರು ಜಿಲ್ಲೆ).—ಒಂದು ಸಮಾಚಾರ ತಿಳಿದುಕೊಳ್ಳಬೇಕಾಗಿದೆ. ಈ ಮಸೂದೆಯು ಕೆಲವು ಇನಾಂ ಗ್ರಾಮಗಳಿಗೆ ಅನ್ವಯವಾಗುತ್ತದೆಯೆ? ಕೆಲವು ಇನಾಂದಾರರು ಸ್ವಂತವಾಗಿ ದೊಡ್ಡಿಯನ್ನು ನಡೆಸುತ್ತಿದ್ದಾರೆ. ಅದರ ಆದಾಯ ಅವರಿಗೇ ಸಲ್ಲುತ್ತಿದೆ. ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲ ಏನುಮಾಡುತ್ತಾರೆಂಬುದನ್ನು ಹೇಳಬೇಕು. ಇನಾಂತಿಯನ್ನು ಸರ್ಕಾರದವರು ತೆಗೆದುಕೊಂಡುಬಿಟ್ಟರೆ ಆಗ ಹೇಗೆ ಮಾಡುವುದು?

ಮಾನ್ಯ ಶ್ರೀ ಟಿ. ಮರಿಯಪ್ಪನವರು.—ಕ್ಯಾಟಲ್ ಟ್ರಿಸ್‌ಪಾಸ್ ಆಕ್ಟ್ ಎಲ್ಲೆಲ್ಲಿ ಅನ್ವಯವಾಗುತ್ತದೆಯೋ ಅಲ್ಲಿ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳಿಗೇ ಆ ಆದಾಯ ಬರುತ್ತದೆ.

Sir, it was very amusing to hear the Hon'ble Member Janab Mohamed Imam, in spite of the fact that the question was discussed at great length during the last session. It is true that this measure has created misconception in the minds of certain Hon'ble Members. But I made it very clear then alone that there was no intention to change the scheme of the Act which is in force. It is no doubt true that the Act is very ancient, eighty-years old. But that does not mean that we should bring in a new legislation. If my Hon'ble friend had made out a case that there is need for a fresh legislation certainly we could have thought of such a measure. Here, as the Hon'ble Member sees, is a measure which is in the nature of an amendment to replace section 12. Section 31 of the old Act itself makes it abundantly clear that all fines levied by the pound-keeper will go to the respective local bodies

and that has been already given effect to by means of a notification.

Janab J. MOHAMED IMAM.—On a point of information. Is there anything to show that the fines will go to the pound-keeper ?

The Hon'ble Sri T. MARIAPPA.—I want the Hon'ble Member to see the original Act as he is only seeing the amended Act. It goes to the local body which maintains the pound. The pound-keeper is there to collect the fines from the impounded cattle owners and he remits to the local body.

The Hon'ble Member raises another point also, namely that a new Bill replacing the old measure would be more appropriate. I submit that this amended Act will meet the needs of the case. In fact several local bodies have represented to the Government that in the altered circumstances that exist today a higher rate of fine is called for. Very recently perhaps this amended Bill took its shape on a suggestion by the Tarikere Municipality that in view of the cattle nuisance and the great damage done to food crops a sort of higher penalty is called for. I may mention in this connection also what I said on the previous occasion that this amendment is moved here at the instance of the Government of India who said that cattle nuisance must be prevented at any cost and that as a preventive measure we must levy a higher rate of fine so that the people may not allow their cattle to stray. Therefore power is taken to substitute section 12 retaining the entire scheme of the Act as it is. Certain rates are prescribed in section 12 of the Act itself. On an examination of the whole question we came to the conclusion that a notification prescribing scales of fees would be better and would meet the needs of several local bodies.

The Hon'ble Member Sri B. Hutche Gowda suggested that a uniform rate of levy fixing minimum and maximum would meet the needs of the case. I am afraid that owing to varied requests from several local bodies it is much better if a notification is issued by the Government and power is reserved in them to vary the rate from time to time and also from place to place. Therefore you will kindly see that power is taken to vary the rate from place to place.

Another factor which moved Government was that once a notification is issued, certain scales of fees are levied and it is but right that this House is consulted. It passes one's comprehension when the Hon'ble Member Janab Mohamed Imam stated that this august body should not be bothered with such trivial matters. If a minimum rate is prescribed in the Statute it is the same thing as saying that any notification under that particular section need not come before the august House because it has already applied its mind. Here is a democratic measure and we would like to consult this House with regard to the scales of fees to be levied. Supposing certain requests come from certain municipalities that the scale should be high and that the august House feels that the rates are exorbitant ; it is open to any Hon'ble Member to move an amendment and if the House accepts the amendment it is but right that the rates should be amended. So there is nothing wrong in resorting to a measure of this kind where the House is kept informed at every stage. Whenever a notification is issued it automatically comes before this House and it is but right that it should put its seal of approval. Therefore in effect it becomes almost a statutory levy of fees and we need not have to quarrel with such a measure, and I commend it to the acceptance of this House.

Mr. SPEAKER.—The question is :

"That the Cattle Trespass (Amendment) Bill, 1951, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clause 2. There is an amendment by Sri T. Madiah Gowda.

*Sri T. MADIAH GOWDA (Bangalore District—General).—Sir, I move :—

"That in sub-section 2 of the proposed section 12, for the words 'modification in such notification, the words 'amendment of the notification by means of a resolution' shall be substituted, and after the words 'passed by the Assembly' the words 'the amended notification will be immediately published in the *Mysore Gazette* and' shall be inserted, and for the words 'modified form' the words 'amended form' shall be substituted."

(SRI T. MADIAH GOWDA).

ಇದರ ಉದ್ದೇಶ ಇಷ್ಟೆ. ಸೆಕ್ಷ್ 12, ಸಬ್ ಕ್ಲಾಸ್ 2 ರಲ್ಲಿ ಸರ್ಕಾರದವರು ಯಾವ ಒಂದು ದರವನ್ನು ವಿಧಾಯಕಮಾಡುತ್ತಾರೋ ಅದನ್ನು ಗೆಜೆಟ್‌ನಲ್ಲಿ ಫಾಯಿಷ್ ಮಾಡಬೇಕೆಂದು ಇದೆ. ಗೆಜೆಟ್‌ನಲ್ಲಿ ಫಾಯಿಷ್ ಮಾಡಿದ ಕೂಡಲೇ ಅದು ಲೆಜಿಸ್ಲೇಚರ್ ಮುಂದೆ ಬಂದು ಅಲ್ಲಿ ಬದಲಾವಣೆ ಆಗಬಹುದು ಎಂದೂ ಇದೆ. ಬದಲಾವಣೆ ಆದಮೇಲೆ ಅದು ಗೆಜೆಟ್‌ನಲ್ಲಿ ಫಾಯಿಷ್ ಆಗಬೇಕೇ ಅಥವಾ ಆಗಬಾರದೇ ಎಂಬ ಪ್ರಶ್ನೆ ನಾನು ಸೂಚಿಸತಕ್ಕ ತಿದ್ದುಪಡಿಯಿಂದ ಉಂಟಾಗುತ್ತದೆ. ಲೆಜಿಸ್ಲೇಚರ್‌ನಲ್ಲಿ ಬದಲಾವಣೆ ಏನಾದರೂ ಆದರೆ ಆದನ್ನು ಕೂಡಲೇ ಗೆಜೆಟ್‌ನಲ್ಲಿ ಫಾಯಿಷ್ ಮಾಡಬೇಕು. ಹಾಗೆ ಮಾಡದೇ ಇದ್ದರೆ ಪೌಂಡ್ ಕೀಪರ್ ಅಲ್ಲಿ ನಿಗದಿಯಾದ ದರವನ್ನು ವಸೂಲುಮಾಡುತ್ತಾನೆ. ಅವನಿಗೆ ಇಲ್ಲಿ ಫಾಸ್ ಆಯಿತೇ ಇಲ್ಲವೇ ಎಂಬ ವಿಚಾರ ಗೊತ್ತಿರಬಹುದು, ಗೊತ್ತಿಲ್ಲದೇ ಇರಬಹುದು. ಒಂದು ವೇಳೆ ಗೊತ್ತಿದ್ದರೂ ಸಹ ಅದು ಗೆಜೆಟ್‌ನಲ್ಲಿ ಒಂದು ಅಧಿಕಾರಯುತವಾದ ರೀತಿಯಲ್ಲಿ ಬರದೇ ಇದ್ದಮೇಲೆ, ಅವರು ಲೆಜಿಸ್ಲೇಚರ್‌ನಲ್ಲಿ ಪಾಸ್ ಆಯಿತು ಎಂಬ ವಿಷಯ ಮುತ್ತೆಲ್ಲೋ ತಿಳಿದುಕೊಂಡು ಏನೊಂದು ಬದಲಾವಣೆ ಮಾಡುವುದಕ್ಕೂ ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಅದು ಅಧಿಕಾರಯುತವಾಗಿ ಇರಬೇಕಾದರೆ ಗೆಜೆಟ್‌ನಲ್ಲಿ ಪುನಃ ಬರಬೇಕು ಎಂಬುದು ಈ ಒಂದು ತಿದ್ದುಪಡಿಯ ಉದ್ದೇಶ. ಈ ಲೆಜಿಸ್ಲೇಚರ್‌ನಲ್ಲಿ ಈ ವಿಚಾರವಾಗಿ ಏನೊಂದು ತೀರ್ಮಾನವಾಗುತ್ತದೆಯೋ ಅದೆಲ್ಲಾ ಗೆಜೆಟ್‌ನಲ್ಲಿ ಬಂದೇ ಬರಬೇಕು ಎಂಬ ನಿಗದಿಯಿಲ್ಲ. ಅನೇಕ ಸಂದರ್ಭದಲ್ಲಿ ಬರುವುದಿಲ್ಲ. ಈ ವಿಷಯ ಒಂದೇ ಬರಬೇಕು ಎಂಬುದು ಈಗ ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರು ಮಾಡಿರತಕ್ಕ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಸೂಚಿತವಾಗುವುದಿಲ್ಲ. ಒಂದು ವೇಳೆ ಹಾಗೆ ಈ ತಿದ್ದುಪಡಿಯು ಗೆಜೆಟ್‌ನಲ್ಲಿ ಬರದೇಹೋದರೆ ಸಾರ್ವಜನಿಕರು ಹೀಗೆ ಬದಲಾವಣೆ ಆಗಿದೆ, ಆದ್ದರಿಂದ ನೀವು ಇಷ್ಟು ವಿಧಿಸಿದ್ದೀರಿ, ಇಷ್ಟು ವಿಧಿಸಿರುವುದು ಸರಿಯಲ್ಲ, ಕಮ್ಮಿ ವಿಧಿಸಬೇಕೆಂದು ಹೇಳುವುದಕ್ಕೆ ಯಾವ ಆಧಾರ ಅಥಾರಿಟಿ ಎಂದು ಕೇಳಿದರೆ ಪೌಂಡ್ ಕೀಪರ್ ಅಧಾರ ತೋರಿಸುವುದಕ್ಕೆ ಮಾರ್ಗವಿರುವುದಿಲ್ಲ.

ಸರ್ಕಾದವರು ಒಂದುವೇಳೆ ಹೇಳಬಹುದು, ಸರ್ವಿಸಾಧಾರಣವಾಗಿ ತಾವು ಕೊಟ್ಟಂಥ ನೋಟಿಫಿಕೇಷನ್ ಲೆಜಿಸ್ಲೇಟಿವ್ ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ಬದಲಾವಣೆಯಾದರೆ ಆದನ್ನು ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಣೆ ಮಾಡುತ್ತೇವೆ ಎಂದು. ಆದರೂ ಪ್ರಕಟಣೆ ಮಾಡಲೇಬೇಕೆಂದು ಒಂದು ವಿಧಿ ಇಲ್ಲಿ ಇಲ್ಲದಿದ್ದರೆ, ಒಂದು ವೇಳೆ ಸರ್ಕಾರದವರು ಕೈ ತಪ್ಪಿ ಗೆಜೆಟ್ಟಿಗೆ ಹಾಕದೆ ಬಿಟ್ಟು ಬಿಟ್ಟರೆ ಜನರಿಗೂ ಮತ್ತು ದೊಡ್ಡಿಯ ಮ್ಯಾನೇಜರಿಗೂ ತೊಂದರೆಗೆ ಕಾರಣವಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ವಿಧವಾಗಿ ಒಂದು ಬದಲಾವಣೆ ಕಾನೂನಿನಲ್ಲಿ ಇರತಕ್ಕದ್ದು ಅಗತ್ಯವೆಂದು ನನ್ನ ಮನಸ್ಸಿಗೆ ತೋರುತ್ತದೆ.

ಆಮೇಲೆ ನಾನು ಸೂಚಿಸತಕ್ಕ ಇನ್ನೊಂದು ತಿದ್ದುಪಡಿಯೇನೆಂದರೆ, ಇದರಲ್ಲಿ 'modification' ಎಂದು ಹೇಳುವುದಕ್ಕೆ ಬದಲಾಗಿ 'amendment' ಎಂದು ಹಾಕಬೇಕೆಂದು ಹೇಳಿದ್ದೇನೆ. ಸರ್ವಿಸಾಧಾರಣವಾಗಿ ದರಗಳ ಬದಲಾವಣೆಗಳನ್ನು 'modification' ಎಂದು ಹೇಳುವುದಿಲ್ಲ. ಏಕೆಂದರೆ 'modification' ಎಂದರೆ ಕಡಿಮೆ ಮಾಡುವುದೆಂದು ಅರ್ಥವಾಗಬಹುದು. ಆದ್ದರಿಂದ ಇಲ್ಲಿ amendment ಎಂದು ಉಪಯೋಗಿಸುವುದು ಸರಿಯಾಗಿರುತ್ತೆ. ಈ ಕಾರಣ, ಇಲ್ಲಿ amendment by a resolution ಎಂದು ಸೇರಿಸಬೇಕೆಂದು ಹೇಳಿದ್ದೇನೆ.

ಈ ರೀತಿ ನಿರ್ಣಯದ ಮೂಲಕ amendment ಮಾಡಿದ್ದು ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಫಾಯಿಷ್ ಆದನಂತರ ಜಾರಿಗೆ ತರಬೇಕೆಂದು ಹೇಳುವುದು ಅಗತ್ಯವೆಂದು ನನಗೆ ತೋರುತ್ತೆ. ಒಂದುವೇಳೆ ಸರ್ಕಾರದವರು ಆ ರೀತಿಯಾಗಿ ಇಲ್ಲಿ ಕಾನೂನಿನಲ್ಲಿ ಹೇಳಬೇಕಾದ ಅಗತ್ಯವಿಲ್ಲವೆಂದು ಹೇಳುವುದಾದರೆ ನಾನು ಇದನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಸಿದ್ಧವಾಗಿದ್ದೇನೆ.

Mr. SPEAKER.—Amendment moved:

"That in sub-section 2 of the proposed section 12, for the words "modification in such

notification,' the words 'amendment of the notification by means of a resolution' shall be substituted, and after the words 'passed by the Assembly,' the words, 'the amended notification will be immediately published in the *Mysore Gazette* and' shall be inserted, and for the words 'modified form' the words 'amended form' shall be substituted."

The Hon'ble Sri T. MARIAPPA.—I make a special appeal to Sri T. Madiah Gowda to withdraw this amendment because I can assure him that any modified schedule of rates can come into effect after notification. The implication is that no modification can come into effect unless it is published in the Gazette. He has thrown out a timely hint that the Government should be vigilant and soon after the rates are modified, it should be published.

The amendment suggests that instead of 'modified' it should be 'amended'. I would like to point out here that 'amended' would not be a right word because if it were to refer to a clause, then, certainly I would have accepted this. But, because it is a scale of fee the word 'modified' is all right.

The Hon'ble Member Sri T. Madiah Gowda, who was a member of the Select Committee, did not attend the meeting of the Select Committee, (laughter). Therefore, we would be murdering the expression if you say it as 'amended'. A clause should be amended, a statute should be amended but not a scale of fee; it would be 'modified': Therefore, I make a special appeal to the Hon'ble Member to withdraw his amendment.

ಶ್ರೀ ಟಿ. ಮಾದಯ್ಯಗೌಡರು.—ಸರ್ಕಾರದವರು ನಾನು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿರುವುದರಲ್ಲಿ ಏನು ಉದ್ದೇಶವಿದೆಯೋ ಆ ಉದ್ದೇಶ ಈ ತಿದ್ದುಪಡಿಯಿಲ್ಲದೆಯೇ ಸಾರ್ಥಕವಾಗುತ್ತದೆಂದು ಭರವಸೆ ಕೊಡುವಾಗ ಈ ತಿದ್ದುಪಡಿ ಅನಗತ್ಯವೆಂದು ಭಾವಿಸಿ ನಾನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳಲು ಸಭೆಯ ಅನುಮತಿ ಬೇಡುತ್ತೇನೆ.

The amendment was, by leave, withdrawn.

Mr. SPEAKER.—The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. SPEAKER.—There is a new clause suggested in the name of the Hon'ble Sri K. T. Bhashyam.

The Hon'ble Sri K. T. BHASHYAM (Minister for Law and Labour).—I move:

"That a new clause may be added after clause 1 as follows as clause 2 and the existing clause 2 renumbered as clause 3:—

"2. In Section 3, the following additional definition be added:

'Magistrate of the District' means the District Magistrate having jurisdiction over' the District."

ಈ ನನ್ನ ತಿದ್ದುಪಡಿ ಬಹಳ ಸಾಧುವಾದುದು. ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿ ರಿಪೋರ್ಟಿನ (2)ನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ.—

"All fines so levied shall be sent to the Magistrate of the District through such officer as the State Government may direct"

ಎಂದು ಹೇಳಿದೆ. ಇಲ್ಲಿ ಹಾಕಿರುವ "Magistrate of the District" ಎಂಬುದು ಹಿಂದಿನ ಕಾಲದಲ್ಲಿ 1870ನೆಯ ಇಸವಿಯಲ್ಲಿನ ಕಾನೂನಿನಲ್ಲಿ ಇದ್ದ ಪದ. ಆಗಿನ ಕಾಲದಲ್ಲಿ ಡಿಸ್ಟ್ರಿಕ್ಟ್‌ಗೆಲ್ಲಾ ಒಬ್ಬರೇ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಇರುತ್ತಿದ್ದರು. ಆದ್ದರಿಂದ ಹೀಗೆ ಹೇಳಿದ್ದರಿಂದ ಏನೂ ತೊಂದರೆ ಇರುತ್ತಿರಲಿಲ್ಲ. ಈಗ ಹಾಗಲ್ಲ.. ಒಂದು ಡಿಸ್ಟ್ರಿಕ್ಟಿನಲ್ಲಿ ಅನೇಕ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿರುತ್ತಾರೆ. ನಮ್ಮ ಉದ್ದೇಶ, ಈ ಕೇಸುಗಳೆಲ್ಲವೂ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಹೋಗಬೇಕು ಎಂದು. ಇದಕ್ಕಾಗಿ ಒಂದು definition clause ಮೂಲಕವಾಗಿ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇನೆ. ಇದು ಕೇವಲವಾಗಿ ಇರತಕ್ಕದ್ದನ್ನೆ ವಿಶದೀಕರಿಸತಕ್ಕಂಥಾದ್ದಾಗಿದೆ ಅಷ್ಟೆ. ಎಲ್ಲರೂ ಇದನ್ನು ಒಪ್ಪಬಹುದು.

Mr. SPEAKER.—Motion moved:

"That a new clause may be added after clause 1 as follows as clause 2 and the existing clause 2 renumbered as clause 3:—

"2. In Section 3, the following additional definition be added:

'Magistrate of the District' means the District Magistrate having jurisdiction over the District".

The Hon'ble Sri T. MARIAPPA.—I accept the insertion of the new clause.

Mr. SPEAKER.—The question is :

"That a new clause may be added after clause 1 as follows as clause 2 and the existing clause 2 renumbered as clause 3 :—

"2. In Section 3, the following additional definition be added:

'Magistrate of the District' means the District Magistrate having jurisdiction over the District ".

The motion was adopted.

The new clause was added to the Bill.

Mr. SPEAKER.—Clause 1. The question is :

"That Clause 1 stand part of the Bill ".

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is :

"That the Title and the Preamble stand part of the Bill ".

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

The Hon'ble Sri T. MARIAPPA.—I move :

"That the Cattle Trespass (Amendment) Bill, 1951, as amended, be passed ".

Mr. SPEAKER.—The question is :

"That the Cattle Trespass (Amendment) Bill, 1951, as amended, be passed ".

The motion was adopted.

The Mysore Irrigation (Amendment) Bill, 1951.

Motion to consider.

The Hon'ble Sri T. MARIAPPA (Home Minister).—Sir, I move :

"That the Mysore Irrigation (Amendment) Bill, 1951, as reported by the Select Committee, be taken into consideration ".

Sir, this is a very important measure which seeks to amend the existing Irrigation Act. The main idea is to expedite the preparation of projects relating to restoration and construction of irrigation works and also the execution of the works. The present procedure is a bit cumbersome. Now, the project has to be prepared and all the relevant drawing and estimates will have to be sent up to Government and the Government should put its seal of approval and then send it for inquiry, according to the Irrigation Act, through the Revenue Department. Sir, within my experience, it has taken on an average two to two-and-a-half years for the finalisation of any scheme for the restoration or construction of irrigation work. The feeling has been that there is inordinate delay between the preparation of the project and undertaking the execution of the work. Particularly, after undertaking the expeditious execution of the irrigation works under the Grow More Food Campaign, it was felt that the present procedure has to be simplified. And having regard to the feelings of the agriculturist class in Mysore that the construction or restoration of irrigation works should be expedited, we came to the conclusion that an amendment has to be brought toward making the procedure very simple. That is the main amendment and the other amendments are incidental.

Power is also taken to regulate and control the supply of water so that there can be no wastage. Another minor amendment which is embodied in this Bill is with regard to the unauthorised use of water by those people who benefit by such unauthorised use. In such cases it is proposed to charge them such penalty as would meet the needs of the cases.

Power is also taken to consult the Tank Panchayets or Irrigation Boards wherever constituted with regard to the maintenance of irrigation works. Sir, I must make it very clear and I think most of the Hon'ble Members are also aware that there is no systematic maintenance of these precious irrigation works. Irrigation works are a national asset and owing to long neglect of nearly a century or at least half a century, we have been reduced to the position where food deficit haunts us every year. If the vast net-work of irrigation works are maintained in *pucca* state of repair, the position today would have been much better than what it is. Many tanks are silted up. Feeder channels have breached. Waste weirs and tank channels have also breached. The responsibility for the maintenance being